

R E M A R K S

Claims 1 and 4-13 are now in this Application, and are presented for the Examiner's consideration.

Request for One Month Extension of Time

Applicant hereby requests that the period for responding to the Office Action mailed May 21, 2008, set to expire on August 21, 2008, be extended by ONE (1) month, so as to expire on September 21, 2008. Applicant is a large entity.

Payment is being provided with the filing of this Amendment.

Please charge any additional fees for this extension of time to Deposit Account No. 07-1524.

Objection to Drawings

The drawings were objected to as not showing each feature of the invention.

Specifically, it was stated that, with reference to Fig. 3, it shows only one piece of flexible porous material fixed to the inside face. It was stated that neither the other piece of flexible and porous material (on top) nor the material on which the substance is distributed (in the middle) is fixed to the inside face, with reference being made to claims 1 and 13.

It is respectfully submitted that the drawings shows all of the features in claims 1 and 13 already. Both claims only recite one piece of flexible and porous material.

Specifically, claim 1 recites:

a protective cover (12) including two separable leakproof pieces (13, 14) of material, and

an applicator (24) enclosed in said protective cover (12), said applicator (24) being fixed to an inside face (25) of one (13) of said leakproof pieces (13, 14) of material, said applicator (24) including a piece (28) of flexible and porous material fixed to said inside face (25 - page 4, lines 1-3 of the specification), and said applicator (24) including a material (cotton wool 32) in which said substance is distributed, the material (32) in which the substance is distributed being housed between said piece (28) of flexible and porous material and said inside face (13).

It is therefore seen that claim 1 recites only one piece (28) of flexible and porous material.

In like manner, claim 13 recites that the packaging comprises:

a protective cover (12) including two separable leakproof pieces (13, 14) of material, and

an applicator (24) enclosed in said protective cover (12), said applicator (24) being fixed to an inside face (25) of one

(13) of said leakproof pieces (13, 14) of material, said applicator (24) forming a pouch holding captive material (cotton wool 32) in which the substance is distributed, said pouch comprising:

a piece (28) of flexible and porous material fixed to said inside face (25 - page 4, lines 1-3 of the specification),
another piece (26) of flexible material fixed at a periphery thereof both to said inside face (25) and to said piece (28) of flexible and porous material, and

a material including cotton wool (32) in which said substance is distributed, the material (32) in which the substance is distributed being housed between said piece (28) of flexible and porous material and said other piece (26) of flexible material.

Thus, claim 13 recites only one piece (28) of flexible and porous material.

It is noted that the other piece (26) of flexible material is not recited as being porous, but only flexible, in accordance with page 4, line 14 of the specification.

Further, the specification teaches at page 4, lines 14-15, that the piece (26) of flexible material has its periphery fixed to the inside face (25), and at page 4, lines 1-3, that the piece (28) of flexible and porous material also has its periphery fixed to the inside face (25). Thus, the peripheries of both pieces

(26, 28) are fixed to the inside face (25), as recited in the claims.

As to the cotton wool (32), the claims do not recite that it is fixed to the inside face (25). Rather, claim 13 recites that the cotton wool in which said substance is distributed is housed between the piece (28) of flexible and porous material and the other piece (26) of flexible material. Claim 1 recites that the cotton wool (32) is housed between the piece (28) of flexible and porous material and the inside face (25).

It is therefore submitted that all of the features of the claims are accurately shown in the drawings and described in the specification, so that no amendments need be made to the drawings.

Accordingly, it is respectfully submitted that the objection to the drawings has been overcome.

Telephone Interview

At the outset, the undersigned would like to thank Examiner Ackun for the courteous telephone interview afforded the undersigned on September 16, 2008.

All of the references were carefully discussed in the interview, and it was recognized that the first six primary references disclose only a single sheet of material for holding the substance, while the Reese reference does not disclose a

pouch that is secured to an inner face of the cover sheet, but rather, is freely removed.

The advantages of the present invention thereover were discussed, namely, (1) because of the pouch, more varied materials can be held (see page 1, lines 20-25 as to "any kind of substance"), that is, the substance held therein can have much less viscosity of liquids or semi-liquids, and can even hold powders, (2) because of the cotton material (32), that is, the claimed material in which the substance is distributed, a larger amount of material can be held over the single sheet materials of the prior art, (3) because the pouch is held to the inside face of the cover sheet, the user never touches the pouch and therefore does not get the substance held therein on the user's hands.

The Examiner indicated that the recitation that a pouch is formed would appear to distinguish over the applied references, but that this may require a further search.

Prior Art Rejection

Claims 1 and 4-13 were rejected under 35 U.S.C. §102(b) or §102(e) as being anticipated by, or in the alternative, under 35 U.S.C. §103(a) as being obvious from any of the following patents taken alone:

U.S. Patent No. 7,240,790 to Wendel et al,

U.S. Patent Publication No. 2003/0106812 to Wilkman,

U.S. Patent Publication No. 2002/0011424 to Wilkman,
U.S. Patent No. 7,163,101 to Harper,
U.S. Patent No. 5,487,932 to Dunshee or
U.S. Patent No. 4,696,393 to Laipply,

and/or further in view of U.S. Patent No. 6,607,514 to Reese
and/or U.S. Patent No. 5,511,689 to Frank.

It was stated that independent claims 1 and 13 now recite additional elements such as the applicator comprising more than one piece of material. It was further stated that this additional element is conventional in the relevant art in that applicators are conventionally formed from one or more than one layer of material, depending on the specific application, and that it would have been obvious to employ such an applicator in any of the devices of the applied references.

The various references will be discussed separately, and in combination.

Wendel et al (USP 7,240,790)

Wendel et al discloses a single-use package equipped with two sheets impregnated with liquid and/or dressing. This package is used for application of pharmaceutical or cosmetic compositions to the skin. The package comprises a single piece

of waterproof film, and thus, the package is sealed such that the film is folded.

Specifically, in Wendel et al, there is a protective cover including two separable leakproof pieces (1, 3 in Fig. 1; 12, 13 in Fig. 4 and 33, 34 in Fig. 5) that are fixed at their peripheries. This would correspond generally to protective cover (12) including two separable leakproof pieces (13, 14) of material of the present invention.

Wendel et al also provides for a material (2, 14, 32) that is impregnated with the product to be applied. The impregnated support is fixed to both strips (1, 3; 12, 13; and 33, 34). The impregnated material (2, 14, 32) of Wendel et al would correspond to the cotton wool (32) of the present invention.

However, there is no disclosure or even a remote suggestion in Wendel et al of providing that the applicator (2, 14, 32) includes a piece of flexible and porous material (separate from the material in which the substance is distributed) fixed to said inside face (1, 12, 34). In fact, there is no disclosure or even a remote suggestion of any flexible and porous material at all in Wendel, let alone one that, as claimed, houses the material (2, 14, 32) in which said substance is distributed. Since the material in which the substance is distributed (cotton wool 32) is housed between the piece of flexible and porous material and said inside face, it is clear that the material in which the

substance is distributed must be separate and distinct from the piece of flexible and porous material.

Rather, the entire applicator of Wendel et al is comprised of a single sheet impregnated with a liquid composition. There is no disclosure or even a remote suggestion in Wendel et al of a pouch forming the applicator and which houses the impregnated material, according to the present claimed invention.

Because of this construction of Wendel et al, the impregnating composition contained therein is restricted only to a liquid with a low viscosity. Moreover, the liquid within the sheet (2, 14, 32, 36) must be of a relatively small quantity.

Further, with regard to the manufacturing process, it would be very complicated to provide such a folding operation of the outer film and/or impregnated sheet. Moreover, there is a complicated control of bonding strength that is required.

Thus, claim 1 clearly distinguishes from Wendel et al by the following elements and limitations:

a) the applicator includes a piece of flexible and porous material (28) fixed to the inside face (25), and

b) the material (32) in which the substance is distributed is housed between the piece of flexible and porous material (28) and the inside face (25).

There is no disclosure or any suggestion in Wendel et al of providing such a piece of flexible and porous material in

surrounding relation to impregnated support 14 and which is also fixed to an inside face of leakproof piece of material 12 in Wendel et al.

As a result of this structure, the material 32 of the present invention can hold any type of composition therein, including not only liquid, but also a greasy substance and even powder. This is because these substances are contained inside the applicator formed by the additional piece of flexible and porous material fixed to said inside face of the leakproof sheet, with the material in which the substance is distributed being housed between said piece of flexible and porous material and the inside face of one leakproof sheet. This is very different from Wendel et al which merely impregnates a single sheet (impregnated support) 14 fixed to an inside face of one of the leakproof pieces of material 12, 13.

There is thus no structure at all in Wendel et al of the additional piece of flexible and porous material fixed to the inside face of the leakproof sheet, nor of the advantages achieved by such structure.

Furthermore, because of this structure, in addition to the different types of substances held therein, a large quantity of the substances can be retained therein. To increase the capacity, a bulky material such as cotton wool or the like can be

contained between the protective cover and the piece of flexible and porous sheet.

In addition to a) and b) above, claim 13 further recites:

c) the applicator forms a pouch holding captive the material in which the substance is distributed,

d) the pouch including another piece (26) of flexible material fixed at a periphery thereof both to the inside face and to the piece of flexible and porous material. This other piece of flexible material corresponds to sheet 26 in the present application. Again, there is no disclosure or even a remote suggestion of such structure in Wendel et al.

It is therefore submitted that Wendel et al fails to disclose or even remotely suggest these elements and limitations a) - d) discussed above.

If the Examiner is of a contrary opinion, the Examiner is requested to specifically show in Wendel et al where such limitations can be found.

However, in accordance with the telephone interview, claim 1 has been further amended to recite: "wherein said piece of flexible and porous material and said inside face together form a closed pouch for holding said material therein such that a user can apply the substance through said piece of flexible and porous material without touching said piece of flexible and porous

material and with the material holding a large amount of any kind of substance."

As discussed above, the Examiner indicated that such a limitation of the pouch being formed would appear to distinguish over the applied references above.

Claim 13 recites the extra sheet (26) of material, and already recites the pouch. Thus, claim 13 recites that the applicator forms a pouch holding captive material in which the substance is distributed, the pouch comprising:

a piece (28) of flexible and porous material fixed to said inside face,

another piece (26) of flexible material fixed at a periphery thereof both to said inside face and to said piece of flexible and porous material, and

a material (32) including cotton wool in which said substance is distributed, the material in which the substance is distributed being housed between said piece of flexible and porous material and said other piece of flexible material.

Wilkman (US 2003/0106812)

As will now be discussed, Wilkman '812 suffers from the same deficiencies noted above as to Wendel et al, in that there is no disclosure or even a remote suggestion of an applicator formed within the two leakproof pieces of material and including a piece

of flexible and porous material secured to one inside face, and further including a material to be impregnated within the porous and flexible applicator.

Rather, Wilkman '812 merely discloses the same as Wendel et al, namely, a wet wipe package comprising a liquid impregnated sheet and a pair of plastic films surrounding the same. The impregnated sheet is only a single sheet and is attached to the plastic film to prevent contamination of the person's fingers. According to this reference, the size of the impregnated sheet is almost the same as the outer plastic film. Therefore, users would have the risk of being contaminated by the liquid.

Thus, in the embodiment of Figs. 1-3, there are front and back non-porous sheets (24, 26), and a single wipe sheet (22) therebetween. There is no disclosure of an intermediate applicator with a separate flexible and porous sheet, as claimed.

In Figs. 9-13B, the wipe 22 is secured to the inside face of 31 of the front non-porous sheet 24. However, there is still no disclosure of a further intermediate applicator with a flexible and porous sheet, as claimed.

In Fig. 14, there is an extra layer 42 of cellophane (non-porous material) between the wipe 22 and non-porous back sheet 26. The cellophane is not porous and not used as an applicator. Again, there is still no disclosure of a further intermediate applicator with a flexible and porous sheet, as claimed.

In Fig. 15, there is an extra sheet 44 secured to the rear sheet 26 and on which a coupon can be printed. Again, there is still no disclosure of a further intermediate applicator with a flexible and porous sheet, as claimed.

In Figs. 16-18, there is an extra rear sheet 46 and a person inserts his hand between rear sheets 26 and 46. However, the wipe 22 is still a single layer sheet and there is no disclosure of applicator including a piece of flexible and porous material fixed to the inside face of the rear sheet, or of the applicator including a material in which said substance is distributed being housed between the piece of flexible and porous material and the inside face of the rear sheet.

Figs. 19-21 show an embodiment similar to Figs. 16-18, but in which a non-permeable layer 50 is provided on the back of the single wipe sheet 22. Again, there is no disclosure of applicator including a piece of flexible and porous material fixed to the inside face of the rear sheet, or of the applicator including a material in which said substance is distributed being housed between the piece of flexible and porous material and the inside face of the rear sheet.

The embodiment of Figs. 22-25 is the same as the first embodiment of Figs. 1-3, and the same remarks apply. The only difference is the addition of a strap 52 to the rear surface of the rear sheet 26.

In place of the strap 52, the embodiment of Figs. 26-28 provides an adhesive surface 54 to the rear surface of the rear sheet 26.

Figs. 29-31 do not even show a rear sheet 26. Rather, a non-permeable layer 50 is provided on the rear surface of single sheet wipe 22, and an adhesive surface 54 is provided thereon. Therefore, the same remarks apply to this embodiment as well.

Figs. 32-35 show the same features as the first embodiment of Figs. 1-3, except that the single sheet wipe 22 is folded in half in the covered condition. Figs. 36-38 is similar but even more remote, since non-permeable layer 50 replaced the rear sheet.

The remaining embodiments merely show features, such as straps, added to the rear sheet.

Thus, although Wilkman '812 shows a protective cover with two leakproof pieces of material, and a single sheet wipe therebetween, Wilkman '812 fails to disclose or even remotely suggest the same limitations of claim 1 of:

a) the applicator includes a piece of flexible and porous material (28) fixed to the inside face (25), and

b) the material (32) in which the substance is distributed is housed between the piece of flexible and porous material (28) and the inside face (25), and

c) a pouch being formed thereby.

In addition to a) - c), claim 13 further recites:

d) the applicator forms a pouch holding captive the material in which the substance is distributed,

e) the pouch including another piece (26) of flexible material fixed at a periphery thereof both to the inside face and to the piece of flexible and porous material. This other piece of flexible material corresponds to sheet 26 in the present application. Again, there is no disclosure or even a remote suggestion of such structure in Wilkman '812.

It is therefore submitted that Wilkman '812 fails to disclose or even remotely suggest these elements and limitations a) - e) discussed above.

If the Examiner is of a contrary opinion, the Examiner is requested to specifically show in Wilkman '812 where such limitations can be found.

Wilkman (US 2002/0011424)

Wilkman (US 2002/0011424) discloses the identical embodiments as Wilkman (US 2003/0106812), and for this reason the same remarks apply.

Thus, it is therefore submitted that Wilkman '424 fails to disclose or even remotely suggest these elements and limitations a) - e) discussed above.

If the Examiner is of a contrary opinion, the Examiner is requested to specifically show in Wilkman '424 where such limitations can be found.

Harper (USP 7,163,101)

First, it is noted that Harper is not a prior art reference against the present application.

Specifically, the present application is the national phase filing from PCT Application No. PCT/FR2003/003761, with a filing date of December 17, 2003, which in turn, claims priority from French Patent Application No. 02/15971, filed December 17, 2002.

PCT Application No. PCT/FR2003/003761 is identical to French Patent Application No. 02/15971, and the present U.S. application constitutes an accurate translation of both the French language PCT Application No. PCT/FR2003/003761 and French Patent Application No. 02/15971. Since an English language translation of French Patent Application No. 02/15971 has thereby been filed as the present U.S. national phase filing, the present U.S. application is entitled to the priority date of December 17, 2002 of French Patent Application No. 02/15971.

Since this application is the national phase filing of a PCT application, there is no need to file a certified copy of French Patent Application No. 02/15971.

Harper has an actual U.S. filing date of October 30, 2003, and this is the earliest date on which Harper can rely. Since this date is after December 17, 2002, the earliest date on which applicant herein can rely, Harper does not constitute a prior art reference against the present application.

Despite the above, Harper is even more remote than the above described references.

Harper discloses a pouch like package containing liquid and an insert 15 therein. However, according to Harper, the user pours the liquid directly onto their finger or hand without any porous sheet, but rather through the notch 19 at the top of the package. The reason for providing the insert 15 is to provide an instruction to the user for using and/or to display advertising of company, and to stiffen the packaging.

In the embodiments of Figs. 1-6, the insert 15 is freely floating in the package.

In the embodiment of Fig. 7, the insert 17 is secured to an inner wall of the package. However, this is only in the case where the liquid in the package is murky, and it may be difficult to see the printing on the insert 17.

Thus, Harper is even more remote than any of the aforementioned references since there is no applicator whatsoever inside the packaging.

Thus, Harper fails to disclose or even remotely suggest the following features claimed in claim 1:

- 1) an applicator enclosed in said protective cover,
- 2) the applicator being fixed to an inside face of one of said leakproof pieces of material,
- 3) the applicator including a piece of flexible and porous material fixed to said inside face,
- 4) the applicator including a material in which said substance is distributed,
- 5) the material in which the substance is distributed being housed between the piece of flexible and porous material and the inside face, and
- 6) a pouch being formed by the above within the leakproof pieces of material.

In addition to 1) to 6) above, claim 13 further recites:

- 7 the applicator forms a pouch holding captive the material in which the substance is distributed,
- 8) the pouch including another piece (26) of flexible material fixed at a periphery thereof both to the inside face and to the piece of flexible and porous material. This other piece of flexible material corresponds to sheet 26 in the present application.

There is no disclosure or even a remote suggestion of any of such structure in Harper.

If the Examiner is of a contrary opinion, the Examiner is requested to specifically show in Harper where such limitations can be found.

Dunshee (USP 5,487,932)

Dunshee discloses a liquid applicator for a high viscosity liquid. This applicator consists of an outer liquid impermeable film and a porous single sheet, both being bonded with each other. This applicator is folded in half before use. The folded structure may give rise to any breakage at the time of peeling off.

However, again, there is only a single sheet applicator. There is no disclosure or even a remote suggestion of providing a piece of flexible and porous material in surrounding relation to the impregnated single sheet 20 in Dunshee and which is also fixed to an inside face of the leakproof outer piece of material 12, 14, as required by amended claim 1.

There is also no disclosure or even a remote suggestion of providing the extra piece of flexible material fixed at a periphery thereof both to the inside face and to the piece of flexible and porous material, in order to form the inner pouch, as required by new claim 13.

As a result, the applicator of Dunshee can only hold a small quantity of liquid because a folding operation is necessary in

manufacturing the same. If a porous sheet were added to the package of Dunshee, the folding or sealing operation would be difficult. Moreover, the problem of contamination by the liquid would arise in Dunshee because the porous sheet is as large as the outer film.

Thus, Dunshee provides the same disclosure as the embodiment of Fig. 34 of Wilkman '812 and Figs. 4 and 5 of Wendel et al.

Thus, for the same reasons give above as to these references, claim 1 clearly distinguishes from Dunshee by the same elements and limitations, namely:

a) the applicator includes a piece of flexible and porous material (28) fixed to the inside face (25),

b) the material (32) in which the substance is distributed is housed between the piece of flexible and porous material (28) and the inside face (25), and

c) the pouch formed by this structure.

In addition to a) - c) above, claim 13 further recites:

d) the applicator forms a pouch holding captive the material in which the substance is distributed,

e) the pouch including another piece (26) of flexible material fixed at a periphery thereof both to the inside face and to the piece of flexible and porous material. This other piece of flexible material corresponds to sheet 26 in the present

application. Again, there is no disclosure or even a remote suggestion of such structure in Dunshee.

It is therefore submitted that Dunshee fails to disclose or even remotely suggest these elements and limitations a) - e) discussed above.

If the Examiner is of a contrary opinion, the Examiner is requested to specifically show in Dunshee where such limitations can be found.

Laipply (USP 4,696,393)

Laipply also discloses a folded applicator consisting of a liquid-impermeable outer film and a single sheet, liquid impregnated pad. Both the film and the pad consist of a single sheet. This pad is impregnated with liquid such as alcohol or iodine.

However, again, there is only a single sheet applicator. There is no disclosure or even a remote suggestion of providing a piece of flexible and porous material in surrounding relation to the impregnated single sheet 11 in Laipply and which is also fixed to an inside face of the leakproof outer piece of material 12, as required by amended claim 1. Further, the pad of Laipply is significantly smaller than the outer film to avoid contamination from the liquid, so that only a small quantity of liquid can be stored therein.

There is also no disclosure or even a remote suggestion of providing the extra piece of flexible material fixed at a periphery thereof both to the inside face and to the piece of flexible and porous material, in order to form the inner pouch, as required by new claim 13.

As a result, the applicator of Laipply can only hold a small quantity of liquid because a folding operation is necessary in manufacturing the same. If a porous sheet were added to the package of Laipply, the folding or sealing operation would be difficult.

Thus, for the same reasons give above as to these references, claim 1 clearly distinguishes from Laipply by the same elements and limitations, namely:

a) the applicator includes a piece of flexible and porous material (28) fixed to the inside face (25),

b) the material (32) in which the substance is distributed is housed between the piece of flexible and porous material (28) and the inside face (25), and

c) the pouch formed by this structure and secured to the leakproof materials.

In addition to a) - c) above, claim 13 further recites:

d) the applicator forms a pouch holding captive the material in which the substance is distributed,

e) the pouch including another piece (26) of flexible material fixed at a periphery thereof both to the inside face and to the piece of flexible and porous material. This other piece of flexible material corresponds to sheet 26 in the present application. Again, there is no disclosure or even a remote suggestion of such structure in Laipply.

It is therefore submitted that Laipply fails to disclose or even remotely suggest these elements and limitations a) - e) discussed above.

If the Examiner is of a contrary opinion, the Examiner is requested to specifically show in Laipply where such limitations can be found.

Summary of Primary References

Thus, all of the above primary references merely disclose a single sheet applicator. There is no disclosure or even a remote suggestion in any of the above references of a piece of flexible and porous material in surrounding relation to the impregnated single sheet and which is also fixed to an inside face of the leakproof outer piece of material, as required by amended claim 1, so as to form a pouch, or of the still further piece of flexible material fixed at a periphery thereof both to the inside face and to the piece of flexible and porous material, in order to further form the inner pouch, as required by new claim 13.

Reese discloses strip-like lotion applicator for the body comprising a laminated sheet 40 made of three layers, as constructed in Fig. 6 and provided in a package 60, as shown in Figs. 12A and 12B.

However, the sheet 40 is provided freely in package 60, and is not adhered to an inside wall thereof. Rather, as package 60 is torn open, sheet 40 is used independently of package 60. As a result, the user's fingers will be contaminated with the liquid held by sheet 40.

There is no disclosure or even a remote suggestion of:

a) the applicator being fixed to an inside face of one of the leakproof pieces of material. As discussed above, the applicator 40 of Reese is freely movable in the package 60. If it were not freely movable in package 60, Reese would be inoperable for its intended purpose.

b) the applicator including a piece of flexible and porous material fixed to the inside face. The present invention includes a flexible and porous piece of material 28 which is fixed to the inside face of one of the leakproof pieces of material. This is clearly an outer sheet of the applicator. The outer sheets 41b of the applicator 40 of Reese are non-porous sheets, and for this reason, openings 44 are provided therein in

order to permit the substance from the absorbent middle layer 41 to escape.

c) the material in which the substance is distributed being housed between the piece of flexible and porous material and the inside face. Although Reese discloses an absorbent middle layer 41b, it is not housed between an outer sheet 41a (let alone a porous outer sheet) and an inside face of one of the leakproof walls of the packet.

d) the above structure forming a pouch secured to the leakproof material. In Reese, there is no pouch, but rather, merely three planar sheets sandwiched together.

As such, Reese fails to disclose or suggest most of the limitations of the applicator of amended claim 1.

Further, it is contested that it would have been obvious to modify the aforementioned references with Reese. Specifically, Reese is intended to be folded in the package to provide an elongated strip for application, for example, to the back of a person, as shown in Figs. 1 and 2. If sheet 40 were attached to an inside face of one of the packages of the other references cited above, it would not be capable of being unfolded, and therefore, not be operable for its intended purpose. Even if it could be unfolded when attached to an inside surface of a package, the user would still have to hold onto ends of the sheet

40, defeating the purpose of protecting the user from contacting the liquid held by the sheet 40.

It is therefore submitted that one skilled in the art would not seek to combine any of the aforementioned references with Reese.

Frank (USP 5,511,689)

Frank was merely cited for disclosing a package containing a dressing. However, there is no disclosure or even a remote suggestion therein of an applicator, as claimed herein.

Thus, Frank fails to cure any of the deficiencies noted above with respect to the other cited references.

Accordingly, it is respectfully submitted that the rejection of claims 1 and 4-13 under 35 U.S.C. §102(b) or 35 U.S.C. §103(a), has been overcome.

Reply to Examiner's Comments

It was stated that it would have been obvious to provide the applicator with more than one piece of material. If this is true, then the Examiner is requested to provide a reference showing the same.

However, even if true, this misses the point completely.

There are two important aspects to the present claimed invention.

First, an important features of the present invention is that the package can include any type of composition therein, including not only liquid, but also a greasy substance and even powder. This is because these substances are contained inside the applicator formed by the two sheets, but not merely by an impregnated single sheet, as in the primary references discussed above. Furthermore, in addition to the different types of substances held therein, a large quantity of the substances can be retained therein because of the present construction. To increase the capacity, a bulky material such as cotton wool or the like can be contained between the protective cover and the piece of flexible and porous sheet.

A second important feature of the present invention is that the applicator, and particularly, the porous and flexible sheet thereof, is fixed to an inside surface of one of the leakproof pieces of material. This means that the user does not touch the applicator when using the same.

These two aspects are important. With the primary references discussed above, the applicator is formed as a single sheet only. As a result, and relative to the first important aspect, the single sheet cannot include any type of composition therein, for example, it could not include a greasy substance or a powder. Also, with a single sheet, in addition to the

different types of substances held therein, a large quantity of the substances cannot be retained therein.

As to the secondary reference to Reese, the applicator, besides not including a porous and flexible sheet at all, is not fixed to an inside surface of one of the leakproof pieces of material in Figs. 12A and 12B. This means that the user must touch the applicator when using the same.

It would also not be obvious to combine these references. First, there is no logical reason to use the applicator of Reese in place of the single sheet of material, and also, there is no suggestion in the art for doing so. This is because, if the applicator of Reese were used in place of the single sheet applicator of the primary references, it would not be secured to an inside surface of one of the leakproof pieces of material. If it were secured, the applicator of Reese would be inoperable for its intended purpose since it could not be unrolled out for use.

In addition to the above, a third feature of the present claimed invention is that the outermost peelable sealing line is formed on a peripheral part of the protecting cover, such that the area surrounded by it is significantly greater than the applicator. See claim 6. Therefore, even if using a liquid, no contamination of the user's fingers occurs. The peeled cover can be removed, so that handling is very easy without affecting the

user. This aspect is neither disclosed or even remotely suggested by any of the cited references.

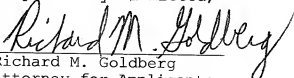
If the Examiner has any comments, questions, objections or recommendations, the Examiner is invited to telephone the undersigned at the telephone number given below for prompt action.

In the event that this Paper is late filed, and the necessary petition for extension of time is not filed concurrently herewith, please consider this as a Petition for the requisite extension of time, and to the extent not tendered by check attached hereto, authorization to charge the extension fee, or any other fee required in connection with this Paper, to Account No. 07-1524.

The Commissioner is authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 07-1524.

In view of the foregoing amendments and remarks, it is respectfully submitted that Claims 1 and 4-13 are allowable, and early and favorable consideration thereof is solicited.

Respectfully submitted,


Richard M. Goldberg
Attorney for Applicants
Registration No. 28,215

25 East Salem Street
Suite 419
Hackensack, New Jersey 07601
TEL (201) 343-7775
FAX (201) 488-3884
e-mail: goldbergpat@earthlink.net